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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/882,080      | 06/15/2001  | David W. Cuccia      | PHA 23, 280A        | 8804             |

7590 07/03/2002

Corporate Patent Counsel  
U.S. Philips Corporation  
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EXAMINER

LO, LINUS H

ART UNIT

PAPER NUMBER

2614

DATE MAILED: 07/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |   |
|------------------------------|------------------------|---------------------|---|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |   |
|                              | 09/882,080             | CUCCIA, DAVID W.    |   |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |   |
|                              | Linus H Lo             | 2614                | W |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on 6/15/01, Pre-Amend.

2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) 1 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☒ Claim(s) 1 is/are rejected.

7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on 31 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All   b) ☐ Some \* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.

4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sporer et al. '083. in view of Andrew et al. '403

Consider claim 1, Sporer et al. discloses a computer system and process for capture and playback of motion video compression using interframe and intraframe techniques. Sporer et al. discloses the following limitations:

a) the claimed memory for storing compressed video is met by the storage system 34 (column 5, lines 29-47 and Fig. 1;

b) the claimed tag inserter, for inserting marker tags into each picture of the compressed video stream which reference locations in memory where each picture of the video is stored is met by the description at column 9, lines 9-22 and column 8, lines 45-52, where the field index is considered as the marker tags and the creating of such index for each image is immanently includes the inserter ;

c) the claimed decompressor for decompressing the compressed video is met by the description at column MPEG decoder ( column 6, lines 35-38, column 9, lines 9-14), where decompressor is inherently included to render the decompressed motion video for displaying; and

d) the claimed correlator for using the marker tags to correlate decompressed portions of the video to the location in memory of the corresponding compressed portions is met by the description at column 6, lines 35-38, column 10, lines 35-49 and column 9, lines 9-22, in which the described steps in column 10 and 9 which performs the correlations function for locating and correlating the compressed picture with the corresponding video field with the decompressed motion video.

However, Sporer et al. does not explicitly teach that the video decoder for providing the instant replay of video that has been compressed *and variable length coded*.

Nevertheless, Sporer et al. teaches the video decoder for providing instant replay for video as described by the description at column 5, lines 33-49, in which the random access of each intraframe compressed image encompasses the replaying of the video.

Sporer et al. also teaches that the compressed video signal is formatted according to MPEG-2 compression as described at column 6, lines 39-46. Furthermore, the reference of Andrew et al. teaches that it is commonly-known in the art that the MPEG encoding format bit stream are encoded by variable length codes (column 12, lines 36-40) which has a shorter vectors and uses fewer bits.

Therefore, it is submitted that it would have been obvious to one having ordinary skill in the art at the time the invention was made to implement the Sporer et al. with the video that has been compressed and variable length coded in according with the MPEG compression.

***Response to Arguments***

3. Applicant's arguments with respect to claim 14 have been considered but are moot in view of the new ground(s) of rejection.

After further consideration and search the reference of Sporer et al. and Andrew in combination is considered applicable to the amended claim. Please see the above new ground of rejection.

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Stone discloses a video data compression apparatus for recording and reproducing at their various compressed data rates.

Inoue et al. discloses a near video-on-demand signal receiver having a memory which provides for VCR like functions.

Greenwood et al. discloses a data buffer.

Bindlish et al. discloses a variable pixel depth and format for video windows.

Florencio discloses a method and apparatus that compresses reference frame information to efficiently utilize memory within a video decoder.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linus H. Lo whose telephone number is (703) 305-4039.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller, can be reached at (703) 305-4795.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

lhl *ll*

June 28, 2002

  
**JOHN MILLER**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**